

REMARKS/ARGUMENTS

Claims 1-20 are cancelled; Claims 42-44 are new.

New Claim 42 is supported at specification page 3, lines 1-5 and M.P.E.P. § 2163.05(III). New Claim 43 is supported at previously presented Claim 21. New Claim 44 is supported at specification paragraph 47 and at M.P.E.P. § 2173.05(i).

No new matter is added.

The obviousness rejection in view of Abramo and Schwahn is traversed. In the process of sole independent present Claim 21, a gasoline engine is operated with a gasoline fuel comprising ethanol and an additive. The ethanol is present in high amounts (e.g., from 10-75% by volume of the total volume of the gasoline fuel, ethanol, and additive); and the ethanol and additive synergistically reduce intake valve deposits in the gasoline engine. At least the Claim 21 feature that the high concentration of ethanol and the additive synergistically reduce intake valve deposits in a gasoline engine is not described or suggested¹ by the applied references.

Abramo is drawn to a fuel additive² that is a mixture of a “polyalkenyl succinimide, a polymer or copolymer of an olefinic hydrocarbon, an ester, a polyether,” and “optionally mineral oil or synthetic oil.”³ Schwahn is drawn to “fuel additive compositions for internal combustion engines and to fuels that contain the corresponding additives...”⁴ Neither Abramo nor Schwahn describe or suggest at least the Claim 21 feature that ethanol and the additive synergistically reduce intake valve deposits in a gasoline engine. Withdrawal of the obviousness rejection is requested.

Additionally, new Claim 42 is not obvious in view of the applied references. In new Claim 42, ethanol is present in an amount of 55 to 75% by volume of the total volume of

¹ (“obviousness requires a suggestion of all limitations in a claim.” See CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing In re Royka, 490 F.2d 981, 985 (CCPA 1974)).

² See Abramo, Abstract.

³ Id. Abstract, and column 1, lines 53-60.

⁴ See Schwahn, Abstract.

gasoline fuel, ethanol and additive. Abramo, at column 5, lines 42-43, describes: “The fuels may be gasoline containing *up to* 50% alcohol or ethers.” Abramo thus “teaches away”⁵ from the Claim 43 feature that ethanol is present in an amount of 55 to 75% by volume of the total volume of gasoline fuel, ethanol and additive. Schwahn does not cure the deficiency of Abramo.

Further, new Claim 43 is not obvious in view of the applied references. In Claim 43, the additive is selected from the group consisting of polyisobutenamine, polyetheramine, a product obtained by Mannich conversion of substituted phenyl with aldehyde and amine, and combinations thereof. Abramo *requires* the presence of a polyalkenyl succinimide in his additive.⁶ The additive of present Claim 43 *cannot* contain a polyalkenyl succinimide. Accordingly, Abramo does not describe or suggest, and “teaches away” from, the feature of Claim 43, and these deficiencies are not cured by Schwahn.

Finally, Applicants submit new Claim 44 is not obvious in view of the applied references. Abramo and Schwahn explicitly suggest improving the action of a detergent additive by combining the additive with specific carrier oil mixtures.⁷ Present Claim 44 excludes a carrier oil from the additive, so this claim is not obvious in view of Abramo and Schwahn.

⁵ See M.P.E.P. § 2144.05(III). (“A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention”).

⁶ See Abramo, Abstract and column 1, lines 53-59.

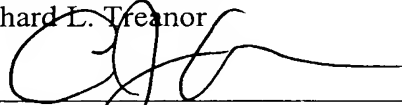
⁷ See Claim 1 of Abramo and Schwahn.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Richard L. Treanor



Charles J. Andres
Attorney of Record
Registration No. 57,537

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)